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9 **UNITED STATES DISTRICT COURT**

10 **CENTRAL DISTRICT OF CALIFORNIA**

11 BARRY LYGA, an Individual,

12 Plaintiff,

13 vs.

14 WARNER BROS. TELEVISION, a  
15 division of WB STUDIO  
16 ENTERPRISES INC., a Delaware  
17 corporation; FOX  
18 BROADCASTING COMPANY; a  
19 Delaware corporation; GREG  
20 BERLANTI, an Individual; BCR &  
21 CO. dba BERLANTI  
22 PRODUCTIONS, a California  
23 corporation; CHRIS FEDAK, an  
24 Individual; VHPT! CO., a California  
25 corporation; SAM SKLAVER, an  
Individual; SKLAVERWORTH  
INC. a California corporation;  
SARAH SCHECTER, an Individual;  
and

DOES 1 through 100, inclusive,

Defendants.

**Case No.: 2:22-cv-06814-FLA-AGR**

**FIRST AMENDED COMPLAINT  
FOR:**

- 1. COPYRIGHT  
INFRINGEMENT (17 USC  
§101, ET SEQ)**
- 2. UNFAIR COMPETITION  
DEMAND FOR JURY TRIAL**

## INTRODUCTION

1. Plaintiff Barry Lyga (“Plaintiff” or “Lyga”) alleges Defendants misappropriated Plaintiff’s novel *I Hunt Killers* and its related works for Defendants’ TV series *Prodigal Son*. In particular, Warner Bros Television held the option for *I Hunt Killers*, passed on the option, and later produced *Prodigal Son* with the other Defendants.

2. There is no question that Defendants had the opportunity to access and copy Plaintiff's works.

3. Defendants unlawfully and without Plaintiff's authorization selected, arranged, and/or copied original elements of Plaintiff's works, namely, the plots, themes, dialogue, moods, settings, pace, characters, and sequence of events.

4. Based on the foregoing, Plaintiff seeks compensatory and injunctive relief.

## **JURISDICTION**

5. Jurisdiction is proper under 28 U.S.C. §§1331, 1338(a), 1338(b), and 1367(a) because the claims in this pleading confers upon the Court exclusive jurisdiction over claims of copyrights under 17 U.S.C. §101, et seq. and unfair competition when joined with a substantial and related claim under copyright laws. Jurisdiction is also proper in this Court pursuant to 28 U.S.C. §1332 with respect to Plaintiff's cause of action because there is complete diversity of citizenship among the parties to those causes of action and the amount in controversy exceeds \$75,000.

6. The Court may exercise personal jurisdiction over Defendants as Defendants reside and/or regularly conducts business in the State of California.

7. Venue in this Court is proper pursuant to 28 U.S.C. §§1391(b).

1 1391(c), and 1400(a) because Defendants reside in this district and substantial part  
2 of the events and omissions giving rise to Plaintiff's claims occurred in this district.  
3  
4

5 **PARTIES**

6 8. Plaintiff is, and at all times mentioned herein was, an individual with a  
7 place of residence in New York, New York.

8 9. Plaintiff is informed and believes, and thereon alleges that defendant  
9 Warner Bros. Television, a division of WB Studio Enterprises, Inc. ("WBTV"), is a  
10 corporation organized and existing under the laws of Delaware with its principal  
10 place of business located at Burbank, California.

11 10. Plaintiff is informed and believes, and thereon alleges that defendant  
12 FOX BROADCASTING COMPANY ("Fox"), is a corporation organized and  
13 existing under the laws of Delaware with its principal place of business located at  
13 Los Angeles, California.

14 11. Plaintiff is informed and believes, and thereon alleges that defendant  
15 GREG BERLANTI ("Berlanti"), is an individual with his principal place of  
16 residence in Los Angeles, California.

17 12. Plaintiff is informed and believes, and thereon alleges that defendant  
18 BCR & CO dba Berlanti Productions ("BCR"), is a corporation organized and  
19 existing under the laws of California with its principal place of business located at  
20 Burbank, California.

21 13. Plaintiff is informed and believes, and thereon alleges that defendant  
22 Chris Fedak ("Fedak"), is an individual with his principal place of residence in Los  
22 Angeles, California.

1           14. Plaintiff is informed and believes, and thereon alleges that defendant  
2 VHPT! CO. (“**VHPT**”), is a corporation organized and existing under the laws of  
3 California with its principal place of business located at Burbank, California.

4           15. Plaintiff is informed and believes, and thereon alleges that defendant  
5 Sam Sklavav (“**Sklavar**”), is an individual with his principal place of residence in  
6 Los Angeles, California.

7           16. Plaintiff is informed and believes, and thereon alleges that defendant  
8 SKLAVERWORTH INC. (“**Sklaverworth**”), is a corporation organized and  
9 existing under the laws of California with its principal place of business located at  
Burbank, California.

10          17. Plaintiff is informed and believes, and thereon alleges that defendant  
11 Sarah Schecter (“**Schecter**”), is an individual with his principal place of residence  
in Los Angeles, California.

12          18. The true names and capacities of Defendants Does 1 through 100,  
13 inclusive, whether individual, corporate, associate, or otherwise, are unknown to  
14 Plaintiff, who therefore sue these Defendants by such fictitious names. Plaintiff  
15 will amend this Complaint to show the true names and capacities of these  
16 Defendants after they have been discovered. On information and belief, each of the  
17 fictitiously named Defendants is responsible in some manner for the occurrences  
18 alleged in this Complaint, and the damages as alleged in this Complaint were  
proximately caused by the acts or omissions of these Defendants.

19          19. On information and belief, at all times material to this action, each  
20 Defendant was acting as an agent, servant, partner, and/or alter ego of each of the  
21 remaining Defendants and, in connection with the matters alleged herein, was  
22 acting in the course and scope of such agency. Plaintiff is further informed and  
23 believes, and on that basis alleges, that each Defendant, while acting as principal,  
24 expressly acted with the knowledge of the other Defendants and/or expressly

1 directed, authorized, affirmed, consented to, ratified, encouraged, approved,  
 2 adopted, and/or participated in the acts or transactions of the other Defendants.

3 **FACTS COMMON TO ALL CAUSES OF ACTION**

5 **I. ABOUT BARRY LYGA**

6 20. Lyga has published approximately twenty-four novels in various  
 7 genres in his seventeen-year career, including the *New York Times* bestselling novel  
 8 *I Hunt Killers*. His books have been or are slated to be published in more than a  
 9 dozen different languages in North America, Australia, Europe, and Asia.

10 21. After graduating from Yale with a degree in English, Lyga worked in  
 11 the comic book industry before quitting to pursue his lifelong love of writing. In  
 12 2006, his first young adult novel, *The Astonishing Adventures of Fanboy and Goth*  
 13 *Girl*, was published to rave reviews, including starred reviews from *Booklist* and  
 14 *School Library Journal*. *Publishers Weekly* named Lyga a “Flying Start” in  
 December 2006 on the strength of the debut.

15 22. His second young adult novel, *Boy Toy*, received starred reviews in  
 16 *School Library Journal*, *Publishers Weekly*, and *Kirkus*. *Voice of Youth Advocates*  
 17 (VOYA) magazine gave it its highest critical rating, and the *Chicago Tribune* called  
 18 it “...an astounding portrayal of what it is like to be the young male victim.” His  
 19 third novel, *Hero-Type*, according to VOYA “proves that there are still fresh ideas  
 20 and new, interesting story lines to be explored in young adult literature.” Since then,  
 21 he has also written *Goth Girl Rising* (the sequel to his first novel), as well as the  
 22 *Archvillain* series for middle-grade readers and the graphic novel *Mangaman* (with  
 art by Colleen Doran).

## II. "I HUNT KILLERS" NOVEL SERIES

23. Plaintiff's novel *I Hunt Killers* was published in April 2012 by Little Brown. Though published in 2012, Plaintiff wrote the book in 2009/2010 and announced in a press release early 2010.

24. *I Hunt Killers* is the first in a series about Jasper “Jazz” Dent, a seventeen-year-old son of the “world’s most notorious serial killer,” Billy Dent. *I Hunt Killers* reached #3 on the New York Times bestseller list in 2013.

25. The *I Hunt Killers* series is made up of three novels published between 2012 and 2014 (*I Hunt Killers*, *Game*, and *Blood of My Blood*) as well as six prequels (two novellas [*Lucky Day* and *Down Time*] and four short stories [*“Career Day,” “Neutral Mask,” “Blood Boy,”* and *“Six Ways to Kill Your Grandmother”*]) (collectively, the **“IHK Works”**)

### III. WBTV OPTION

26. In June of 2011, WBTV optioned *I Hunt Killers* prior to its publication in April 2012. The project was set up at WBTV with producer Joel Silver of Silver Pictures who was under a deal with WBTV. WBTV held on to its rights to *I Hunt Killers* for three years, renewing the option twice and working with writer/showrunner Arika Mittman to craft a pilot for ABC Family, swapping the gender of the main character.

27. Ultimately, in the fall of 2014, WBTV declined to renew the option, citing difficulty in meeting the requirements of the network. The purported main stumbling block was that the protagonist was a teenager. The IHK Works (except two of the prequels) had been published prior to WBTV's release of the option in 2014.

#### IV. DEFENDANTS' RELEASE OF PRODIGAL SON

28. Plaintiff is informed and believes that the pilot for *Prodigal Son* was written by Defendants Fedak and Sklaver, who executive produced alongside Berlanti and Schechter. Production companies involved with the pilot include BCR and WBTV.

29. *Prodigal Son* debuted on September 23, 2019. On October 7, 2019, the series was picked up for a full season of 22 episodes. On May 21, 2020, Fox renewed the series for a second season which premiered on January 12, 2021. On May 10, 2021, Fox canceled the series after two seasons.

## V. SIMILARITIES BETWEEN PLAINTIFF'S WORKS and PRODIGAL SON

30. Plaintiff's IHK Works and *Prodigal Son* have many similarities and common patterns in which circumstances arise, along with the particular sequence of elements, that make the two works substantially similar.

## A. Plot and Sequence of Event

31. *I Hunt Killers* is about Jasper “Jazz” Dent, a seventeen-year-old son of the “world’s most notorious serial killer,” Billy Dent. After years of not seeing his father and haunted by incomplete memories and dreams of his childhood, Jazz must confront his incarcerated father in order to gain information and insight that will help stop a copycat killer who is imitating his father’s own murders from years prior.

32. According to Wikipedia, *Prodigal Son* "centers on Malcolm Bright whose father Martin Whitly is an infamous serial killer known as "the Surgeon". When Malcolm was a child, he discovered what his father was doing and alerted the police who were able to finally catch him. Malcolm has not seen his father for ten years due to cutting ties and changing his name in order to distance himself from Martin. Having become an FBI profiler, and now working for the NYPD, Malcolm

1 is forced to confront his father after a copycat serial killer emerges. He must use  
 2 Whitly's insights to help solve horrible crimes while handling inner battles. He must  
 3 also deal with his father, who is constantly trying to insert himself back into  
 4 Malcolm's life. Along the way he is helped by Gil, an NYPD lieutenant and  
 5 Malcom's father figure, who was the officer who responded to Malcolm's call all  
 6 those years ago.”

6       33. In both stories, the act of hunting their fathers' copycat killers puts  
 7 each protagonist on his path for the remainder of the respective series.

8       34. The opening sequence in *Prodigal Son* is set in Tennessee before the  
 9 series moves to New York City. *I Hunt Killers* takes place in Lobo's Nod,  
 10 Tennessee before the series moves to New York City in the second book, *Game*.

11       35. Malcolm begins the series as an FBI agent in his twenties, but is fired  
 12 in the pilot and becomes a consultant to the NYPD. In the *I Hunt Killers* series, Jazz  
 13 works with the NYPD as a consultant and ends up consulting for the FBI when he is  
 14 in his twenties.

15       36. Further, in *Lucky Day*, the presence of a serial killer in town leads to  
 16 election trouble for G. William. In *Prodigal Son*, Bright — tracking a serial killer  
 17 — tells the local sheriff: “Election is coming up. Bad timing for you. People in  
 18 town are scared. You're gonna lose.”

19       37. The scene in *Prodigal Son* wherein Malcolm sees his father for the first  
 20 time in years in order to get help catching the Surgeon's copycat is beat-for-beat  
 21 Jazz's first confrontation with *his* father in order to catch Billy's copycat, the  
 22 Impressionist. We learn in this scene that Martin is writing a book. In *Blood of My  
 23 Blood*, Jazz discovers that Billy has written a book about serial murder.

24       38. In *I Hunt Killers*, the Impressionist injects his victims before killing  
 25 them. In the *Prodigal Son* pilot, the killer injects his victims before killing them.  
 Malcolm predicts the copycat's methods based on his knowledge of his father's

1 victims. Jazz predicts the Impressionist's movements and murders thanks to his  
 2 knowledge of Billy's methods.

3 39. Malcolm describes the Surgeon's copycat as "...a serial killer super-  
 4 fan....[who is] inadequate. He can't craft his own murders so he mimics another  
 5 serial killer." The Impressionist in *I Hunt Killers* is described as "... some  
 6 psychopathic fanboy who's such a loser that he has to pretend to be my father in  
 7 order to give meaning to his life." Jazz goes into more detail with G. William:  
 8 "This guy . . . He's not *in* control. He's *under* control. He's subordinated his entire  
 9 personality to this idea in his head of who and what Billy is. Worships Billy's  
 10 memory and legacy. I mean, he's obviously studied everything there is to study  
 11 about Billy. He might even think he *is* Billy, on some level."

12 40. Jazz tracks the Impressionist to Ginny Davis's apartment, puts his ear  
 13 to the door, tells Howie to be quiet, then realizes the killer is inside with his victim.  
 14 Once he kicks in the door, the killer escapes through a window. Malcolm tracks the  
 15 killer to Nico's apartment, puts his ear to the door, tells Dani to be quiet, then  
 16 realizes the killer is inside with his victim. Once they break down the door, the  
 17 killer escapes through a window.

18 41. The killer stages the body like a work of art, just as the Impressionist  
 19 did in *I Hunt Killers*. ("During his phase as the Artist, Billy had posed his victims.  
 20 For his fourth victim, he'd posed her like Cupid drawing a bow, matching her  
 21 initials — V.D. — to Valentine's Day.")

22 42. With regards to the Girl in the Box, Malcolm cannot remember "what  
 23 he did." Similar in *I Hunt Killers*:

24       "Did you make me kill my mother?"

25       *Billy laughed. "Don't you remember?"*

26       *But he didn't. He couldn't. His memory — his poor, abused, fragmented  
 27 memory. He could remember Billy skinning Rusty, could remember the*

*quicklime lessons, could remember so much horror, but couldn't remember the most important thing of all."*

43. By season 1, episode 7, *Prodigal Son* introduces the notion of serial killers working together — this is a copy of the Crows, introduced in Plaintiff's *Game*, a collective of serial killers working together.

44. Martin mentions serial killers using multiple names/aliases. Billy went by the Artist, Green Jack, Hand-in-Glove, and many others. In *Blood of My Blood*, we learn that the Crows use the common alias “Jack Dawes.”

45. In Season 1, Episode 7, via flashbacks, we learn that Martin guided young Malcolm in cutting...someone. We don't know who. This is a recurring flashback/pain point for Malcolm as he struggles to remember who he cut with a knife. It is also directly from *I Hunt Killers*, a memory Jazz struggles with throughout the entire series, remembering his father guiding him as a child in cutting...someone.

46. In season 1, episode 9, . this episode introduces the Car-Crusher Killer, Martin's protege. As with the Impressionist and Billy, the Car-Crusher Killer is obsessed with Martin. Like the Impressionist and Jazz, the Car-Crusher Killer is also obsessed with Martin's son. In fact, he wants Malcolm to become a killer. Just as the Impressionist expresses in *I Hunt Killers*:

*“I want you to stride this earth like the murder god you’re meant to be, like the creature your father wanted to create. I’m not going to kill you. I’m going to help you. I’m going to help you fulfill your first kill.”*

47. Martin knows the Car-Crusher Killer, just as Billy knows the Impressionist.

48. In season 1, episode 9, we witness this exchange: "You scare me, Malcolm." "I scare me, too." This is key to Jazz's character from the *I Hunt Killers* books — fear of himself, of what he could become.

1           49. The mid-season finale ends on a cliffhanger, with Malcolm wounded  
2 and in danger, just as *Game* ends with Jazz wounded and in danger.

3           50. In episode 12, Malcolm expresses remorse and guilt for not “solving”  
4 the case of Martin Whitly as a child — he would have saved lives. When asked why  
5 he feels like he needs to be the one to stop Billy, Jazz responds (in *Blood of My  
Blood*):

6           7           *“It’s my job. I have to be the one.”*

8           9           *“Why?” Howie hated the note of whining that crept into his voice, but  
could do nothing to excise it. “Why?”*

9           10           *“Because I could have killed Billy. When I was a kid. Or at least  
turned him in. I didn’t. I was afraid.”*

11           51. In episode 14, Malcolm stabs Martin, apparently killing him, but  
12 actually does so in such a way as to save his father’s life. At the end of *Blood of My  
Blood*, Jazz stabs Billy, apparently killing him, but actually does so in such a way as  
14 to keep Billy alive.

15           52. In episode 16, When Malcolm expresses remorse at not stopping his  
16 father as a child, Eve tells him “You were only ten. It’s not your fault.” Howie does  
17 the same for Jazz:

18           *“I could have killed Billy. When I was a kid. Or at least turned him in.  
I didn’t. I was afraid.”*

19           *“You were a kid!” Howie yelled and damn near bashed Jazz over the  
20 head with his father’s Book of Evil and Crazy. “Stop beating yourself  
21 up over this! Go to the cops!”*

22           53. In episode 19, *Prodigal Son* indicates that there is some sort of  
23 conspiracy angle, with Martin referring to someone even he is afraid of. This  
24 parallels Jazz’s learning about the Crow King in *Game*, the master serial killer who  
25 is more terrifying even than Billy.

1           54. In episode 20, several old beats are hit again, with Martin telling  
 2 Malcolm “*We’re the same*,” Malcolm saying, “*I’m not a killer*,” and Malcom  
 3 telling the Girl in the Box “*I’m sorry I couldn’t save you*,” and her responding “*You*  
 4 *were only a kid*.” These are all motifs from the *I Hunt Killers* series that have been  
 described and matched above.

5           55. In episode 20, “*First rule of killing — clean up after yourself*,” says  
 6 Martin, as well as “*All that DNA — very sloppy*.” Also, in *I Hunt Killers*, we learn  
 7 that “*Billy Dent’s First Commandment was ‘Thou shalt not leave evidence.*” We  
 8 also learn that Billy has taught Jazz the importance of cleaning the crime scene: “*he*  
 9 *brought Jazz in and walked him through the crucial steps necessary to remove*  
 10 *evidence that would lead the cops.*”

11           **B. Themes**

12           56. The theme for *I Hunt Killers* and *Prodigal Son* is a father-son story  
 13 with a serial-killer twist. They are about family and homicidal fathers looking to  
 14 bond with their sons. Both stories focus on diagnosing the psychology of a loving  
 15 father turned serial-killer and the fathers’ influence on their sons. Both sons fear of  
 16 taking after their fathers. Both are a hybrid of Sherlock and Freud as they  
 17 investigate crimes and mysteries while exploring psychosis of a dysfunctional  
 18 family.

19           **C. Character Traits**

21           **Jazz and Malcolm**

22           57. Malcolm and Jazz share a morbid sense of humor, as when Malcolm  
 23 cuts off a man’s hand to save his life, then comments, “*I have to give him a hand*”  
 24 when he returns the appendage. Jazz jokes that if his best friend dies, his girlfriend  
 25 might at least inherit his car.

1           58. Jazz's talent is described as "*being able to think like a killer.*"  
2 Malcolm says: "*I imagine the crime from the killer's point of view.*"

3           59. Both hate their fathers. They fear that they will become like their  
4 fathers. "*Jazz was afraid of two things in the world, and two things only. One of*  
5 *them was that people thought that his upbringing meant that he was cursed by*  
6 *nature, nurture, and predestination to be a serial killer like his father. The second*  
7 *thing . . . was that they were right.*" Malcolm says: "*I wanted to get away from my*  
8 *father. I was afraid of him. Afraid of everything he taught me. But really, I was*  
9 *afraid of me. Some people still are. They think I'm crazy. That I'm like The*  
Surgeon."

10          60. Malcolm Bright uses an affirmation to ward off his own tendencies:  
11 "*I'm willing to let go and trust myself.*" Jazz also uses an affirmation: "*People are*  
real. *People matter.*"

12          61. Jazz worries throughout *I Hunt Killers* that people will think *he* is the  
13 killer. One example of many: "*And Jazz had a sinking feeling that people would be*  
14 *looking at him with accusation in their eyes. Only a matter of time, they would say.*  
15 *Had to happen sooner or later, they would say.*" Malcolm expresses the same  
16 concern "*Y'know, some might think it was me. I'm a good suspect. Son of The*  
17 *Surgeon, emotionally scarred.... Makes sense.*"

18          62. Jasper shows an ability to "read" regular people, such as Connie, G.  
19 William, and Howie, not just killers. Malcolm displays the same ability early on  
when he deduces Dani's history in Narcotics.

20          63. *I Hunt Killers* establishes that Jazz has difficulties with his memory:  
21 "*All that remained were the half-remembered snippets of his childhood. Did anyone*  
22 *ever remember their childhood with perfect clarity? Jazz wasn't sure, but his own*  
23 *was staticky and foggy.*" In Episode 2 of the *Prodigal Son*, Malcolm struggles to  
24 piece together childhood memories of The Girl in the Box.

64. In season 1, episode 7, via flashbacks, we learn that Martin guided young Malcolm in cutting...someone. We don't know who. This is a recurring flashback/pain point for Malcolm as he struggles to remember who he cut with a knife. It is also directly from *I Hunt Killers*, a memory Jazz struggles with throughout the entire series, remembering his father guiding him as a child in cutting...someone. This is a core component of Jazz's past and his character, and it's played out exactly the same on the screen for Malcolm in *Prodigal Son*.

65. . In this episode, we learn that the Surgeon was going to kill Malcolm, but had a change of heart. In *Blood of My Blood*, Jazz learns that Billy and his mother had planned on killing him as a baby.

## **Billy Dent/Martin Whitley**

66. Billy Dent and Martin Whitley both defy typical pop culture depictions of serial killers. Rather than being tortured, dark, monstrous figures, they are both shown as popular and well-liked prior to their captures. Even in prison chains, both are witty, occasionally avuncular, as well as charismatic, manipulative, and charming.

67. Billy discusses serial killers who want to be caught, specifically saying, “*Most of those jackasses — guys like Gacy and Bundy and even that peckerhead Dahmer — most of 'em, at some point they let someone go.*” Martin tutors his son in older serial killers, specifically mentioning Dahmer as someone who, deep down, wanted to be caught.

68. Martin assumes his son is just like him, saying at one point, “*We’re nothing like them [“normal” people].*” This mimics Billy’s same assumptions about Jazz: “*Prison ain’t so bad for people like us, Jasper.*”

69. Billy and Martin “loved” their sons, and wanted to teach their sons everything about murder.

70. Billy refuses to talk to the police while imprisoned, meaning only Jazz can get information from him. Gil explains that "*Whitly doesn't talk to cops,*" so only Malcolm can get information from him.

71. Defying typical serial killer portrayals as incapable of love, Martin tells Malcolm: “[Love] drove me to have you.” And Billy does the same: “But then you were born, Jasper. You came sliding out easy as you please, didn’t cause your momma any pain, hardly any labor. Just come sliding right out, practically into my arms, my boy, my son, my future.” In *Blood of My Blood*, he expresses his love by saying, “I love you, boy. You’re my son. My child.”

72. Martin proclaims, "*I was a good father.*" This, too, is something Billy believes: "*Father of the Year? Maybe not. But a damn site better than most.*"

## William Tanner/Gil Arroyo

73. Both G. William and Gil are widowers. As a boy, Jazz bonded with G. William Tanner, the cop who arrested his father, and by the time the series begins, Tanner is something of a father figure to Jazz. Similarly, as a boy, Malcolm bonds with Gil Arroyo, the cop who arrested his father. By the time of *Prodigal Son*'s beginning, Gil is a father figure to Malcolm.

## D. Dialogue

74. There are extended similarity of dialogue between the two works.

75. Billy refers to Jazz as “*my boy*,” eight times in the first book alone. This is not merely a convenience of language — it is clearly Billy’s way of speaking and a phrase of meaning to him...similar to the way Martin uses the same phrase repeatedly through the first season of *Prodigal Son*.

76. Martin's serial killer "nickname" is "The Surgeon." This is a serial killer nickname also used in Plaintiff's novel *Hero-Type* (published in 2008) and referred to later in the third book of the *I Hunt Killers* trilogy, *Blood of My Blood*.

77. Martin is referred to as the “most notorious serial killer.” This is literally the tagline for *I Hunt Killers*: “What if your dad was the world’s most notorious serial killer?”

78. Malcolm is warned about Martin: "*Don't let him get into your mind.*" In *I Hunt Killers*, Jazz, worried about visiting his father, tells Connie: "*You show any weakness to a serial killer and he lives inside you after that.*" Connie later reminds him, "*I thought you were afraid of letting him into your head.*"

79. Malcolm demands of his father: "*Tell me what you did to me,*" in reference to Malcolm's inconsistent childhood memories. Jazz says to Billy: "*What did you make me do?*" in reference to Jazz's inconsistent childhood memories.

80. In episode 11, Malcolm tells John: "*I'm not a killer,*" to which John replies, "*Not yet.*" This follows almost exactly the conversation between Jazz and his father: "*I'm not a killer.*" "*Sure you are. You just ain't killed no one yet.*"

81. John refers to “the Trials,” some sort of serial killer ritual/rite of passage. This is the same as “the Game” (from the second novel in the series, *Game*), a rite of passage in which serial killers compete against each other to advance in the Crows.

82. In season 1, episode 11, we learn that the Surgeon was going to kill Malcolm but had a change of heart. In *Blood of My Blood*, Jazz learns that Billy and his mother had planned on killing him as a baby.

## E. Settings

83. The opening sequence in *Prodigal Son* is set in Tennessee before the series moves to New York City. *I Hunt Killers* takes place in Lobo's Nod, Tennessee before the series moves to New York City in the second book, *Game*.

## F. Mood and Pace

84. Both stories convey a combination of drama and dark comedy, interlaced with a hybrid of Sherlock investigation and Freud psychoanalysis. A thread/motif that recurs throughout the season is Malcolm imagining his father present, hearing his voice offering advice or sarcastic commentary. Jazz experiences this exact same phenomenon from the very first page of *I Hunt Killers* and throughout the series. In both cases, the sons are helpless in the throes of flashbacks and imagined conversations with their fathers.

## G. Selection, Arrangement, and Combination of Elements

85. The elements of IHK Works that are similar to elements of *Prodigal Son* are original to Plaintiff, and the selection, arrangement, and combination of elements in *Prodigal Son* are substantially similar to Plaintiff's IHK Works. The totality of these similarities, in selection and arrangement, is hardly coincidental or accidental.

## **FIRST CAUSE OF ACTION**

**(COPYRIGHT INFRINGEMENT 17 U.S.C. §§§106, et. seq)**

**(Against All Defendants)**

86. Plaintiff repeats and realleges paragraphs 1 to 85 of the Complaint as if the same were fully set forth herein and with the same full force and effect.

87. Plaintiff registered the IHK Works as the “Copyright Claimant” with the United States Copyright Office as follows:

<b>Title</b>	<b>Date of Publication</b>	<b>Registration Date</b>	<b>Registration Number</b>
I Hunt Killers	2012-04-03	2012-06-19	TX0007552395
Game	2013-04-01	2013-05-31	TX0007738662
Blood of My	2014-09-09	2014-10-17	TX0007929333

1	Blood		
2	Lucky Day: An I Hunt Killers Novella	2014-04-01	2016-03-08
3	Down Time	2018-08-07	TX0008664607

6       88. Plaintiff is the owner and proprietor of all right, title, and interest in the  
 7 copyrighted IHK Works (“Copyrighted Works”). The Copyrighted Works are  
 8 comprised of wholly original material and have been deemed copyrightable subject  
 matter under the copyright laws of the United States.

9       89. Plaintiff is informed and believes, and on that basis alleges, that with  
 10 full knowledge of Plaintiff’s rights therein, Defendants have infringed and  
 11 continues to infringe the Copyrighted Works in that Defendants have produced,  
 12 reproduced, distributed, publicly performed and/or publicly displayed Plaintiff’s  
 13 Copyrighted Works without the Plaintiff’s consent, approval or license.

14       90. Defendants’ acts violate Plaintiff’s exclusive right under the Copyright  
 15 Act, and constitute infringement of Plaintiff’s Copyrighted Works.

16       91. Defendants’ past and continuing infringement and/or substantial  
 17 contributions to the infringement of Plaintiff’s Copyrighted Works constitutes a  
 18 willful and deliberate infringement of Plaintiff’s rights without Plaintiff’s consent  
 for commercial purposes and financial gain.

19       92. Defendants further failed to exercise their right and ability to supervise  
 20 persons within their control to prevent such persons from infringing Plaintiff’s  
 21 Copyrighted Works and did so with intent to further their financial interest in the  
 22 infringement of Plaintiff’s Copyrighted Works. Accordingly, Defendants have  
 23 directly, contributorily, and vicariously infringed Plaintiff’s copyrighted Works.

24       93. Plaintiff is entitled to recover Plaintiff’s actual damages and  
 25 Defendants profits in an amount to be proved at trial, attorney’s fees and costs of

1 suit, and all other relief allowed under the Copyright Act.

2 94. Defendants' infringement has caused, and continues to cause,  
3 irreparable harm to Plaintiff, for which Plaintiff has not adequate remedy at law.  
4 Unless the Court restrains Defendants from infringing Plaintiff's Works, this harm  
5 will continue to occur in the future. Accordingly, Plaintiff is entitled to preliminary  
6 and permanent injunctive relief restraining Defendants from further infringement.

7 **SECOND CAUSE OF ACTION**

8 **(UNFAIR COMPETITION – Cal. Bus. Professions Code §17200 et seq)**  
9 **(Against All Defendants)**

10 95. Plaintiff repeats and realleges paragraphs 1 to 94 of the Complaint as if  
11 the same were fully set forth herein and with the same full force and effect.

12 96. Section 17200 of the California Business and Professions Code  
13 prohibits unfair competition, including "any unlawful, unfair or fraudulent business  
14 acts for practice..."

15 97. By engaging in the conduct alleged above, Defendants have engaged in  
16 unlawful, unfair, and/or fraudulent business acts of unfair competition and  
17 California common law. Such conduct includes, Defendant's infringement,  
18 interference with Plaintiff's ability to compete by diluting the value of Plaintiff's  
19 Copyrighted Works and by failing to disclose Plaintiff's role in conceiving of and  
20 creating *Prodigal Son*, and Defendants' misrepresentations to consumers, the  
21 entertainment industry, and other in the public that Defendants' conceived and  
22 created *Prodigal Son* without any participating or contribution by Plaintiff.

23 98. As an actual and proximate result of Defendants' unfair competition,  
24 Defendants have unjustly enriched themselves by, obtaining profits, depriving  
25 Plaintiff of compensation to which Plaintiff is rightly entitled, and taking credit for  
Plaintiff's ideas and materials, entitling Plaintiff to restitution of such sums in an  
amount to be proved at trial.

99. As an actual and proximate result of Defendants' unfair competition, Plaintiff has suffered, and will continue to suffer irreparable harm to Plaintiff, for which Plaintiff has not adequate remedy at law. Plaintiff is informed and believe that Defendants will continue to engage in unfair competition in violation of California Business & Professions Code 17200, et seq, and common law, unless enjoined or restrained by this Court. Accordingly, Plaintiff is entitled to preliminary and permanent injunctive relief restraining Defendants from further unfair competition.

## PRAYER FOR RELIEF

WHEREFORE, Plaintiff requests relief as follows:

1. That Defendants be permanently enjoined from infringing the Copyrighted Works;
2. That Defendants be preliminarily and permanently enjoined from engaging in further acts of unfair competition;
3. That the Court order the impoundment and destruction of all materials, in video, print, or electronic means, containing copies of the infringement;
4. That Defendants be required to pay to Plaintiff such actual damages as he has sustained as a result of Defendants' copyright infringement pursuant to 17 U.S.C. §504(b);
5. For compensatory non-economic damages according to proof;
6. That Defendants be required to account for and disgorge to Plaintiff all gains, profits and advantages by its copyright infringement pursuant to 17 U.S.C. §504(b);
7. The Defendants be required to pay Plaintiff statutory damages pursuant to 17 U.S.C. §504(b);
8. That Defendants be ordered to pay punitive damages as a result of

1 Defendants' willful infringement pursuant to 17 U.S.C. §504(c)(2);

2 9. For costs incurred by plaintiff, including reasonable attorneys' fees  
3 pursuant to 17 U.S.C. §505; and

4 10. For such other and further relief as the Court may deem proper.

5 DATED: March 23, 2023

LPL LAWYERS BY:

6 /s/ Gi Nam Lee

7 Gi Nam Lee

8 Attorneys for Plaintiff

9 **DEMAND FOR JURY TRIAL**

10 Plaintiff requests a trial by jury on the Complaint

11 DATED: March 23, 2023

LPL LAWYERS BY:

12 /s/ Gi Nam Lee

13 Gi Nam Lee

14 Attorneys for Plaintiff